



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

February 2, 2007

Mr. Gregory H. Fox, Natural Resource Manager
Ice Mountain Natural Spring Water
Mecosta County Plant
19275 Eight Mile Road
Stanwood, Michigan 49346

Dear Mr. Fox:

This letter is in response to the Nestle Waters North America, Inc.'s (Nestle) petition for a "determination of no likely adverse resource impact" on the proposed groundwater withdrawal at the White-Cedar-Osceola Site (W-C-O Site) in Osceola County, Michigan. In accordance with Part 327, Great Lakes Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), the Department of Environmental Quality (DEQ) has determined the proposed withdrawal at the W-C-O Site is not likely to cause an adverse resource impact.

As you are aware, the location of the proposed water withdrawal is the W-C-O Site in Section 20 of Osceola Township, Osceola County. The water is to be used as a source for bottled water, which is a 100 percent consumptive use with all of the withdrawn water permanently removed from the local hydrologic system. The withdrawal has been proposed at a maximum pumping rate of 150 gallons per minute or 216,000 gallons per day.

In support of the petition, you submitted, on behalf of Nestle, the Report in Support of Application for Determination of No Adverse Resource Impact for the White-Cedar-Osceola Site, Osceola County, Michigan. The DEQ, in conjunction with the Department of Natural Resources (DNR), reviewed the report relative to the requirements for information submittal necessary to the petition process. The report contained sufficient information to allow the DEQ to render an opinion as to the likelihood of an adverse resource impact that might result from the proposed withdrawal. On September 28, 2006, the DEQ informed you that the application was deemed to be administratively complete.

A joint review of the information submitted by Nestle was completed. From this review, the DEQ determined that the proposed new withdrawal of groundwater is not likely to cause an adverse resource impact as defined under Part 327 of the NREPA. The DEQ bases this determination on the extensive information and data pertinent to the criteria used in making the determination and in consideration of the comments received from the public on the proposed determination that was made available for public review.

Regarding the latter, enclosed is the document Ice Mountain Spring Water Petition for a No Adverse Resource Impact Determination, Determination and Response to Public Comments. The document provides an overview of the site, a description of the statutory standard, and discussion on the manner in which the DEQ rendered the "no likely adverse resource impact" decision. There is also a description of the public comment process, a summation of the public comments received, and the DEQ's response to each of the comments contained within the document.

Be advised, the determination that there will likely be no adverse resource impact resulting from the proposed withdrawal is a narrow decision as to the likelihood of the withdrawal causing a functional impairment to the fish populations of the affected streams. The determination does not in any way absolve Nestle of potential future liability under other applicable laws and regulations. Further, the DEQ will be required to consider and apply other legal requirements, principal among them the requirements that will apply under the Michigan Safe Drinking Water Act, 1976 PA 399, as amended, to any future permit actions at the W-C-O Site.

In closing, the DEQ has determined the proposed withdrawal at the W-C-O Site is not likely to cause an adverse resource impact as defined in Part 327 of the NREPA. If you have any questions or comments concerning this decision or the petition process, please contact Mr. James K. Cleland, Chief, Lansing Operations Division, Water Bureau, at 517-241-1287; or you may contact me.

Sincerely,



Steven E. Chester
Director
517-373-7917

Enclosure

cc/enc: Mr. Paul Seelbach, DNR
Mr. Stanley F. Pruss, Deputy Director, DEQ
Ms. JoAnn Merrick, Senior Executive Assistant to the Director, DEQ
Mr. Richard A. Powers, DEQ
Mr. James K. Cleland, DEQ
Mr. Wm. Elgar Brown, DEQ
Mr. Dave Hamilton, DEQ
Mr. Brant Fisher, DEQ